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RUEHUNV/USMISSION UNVIE VIENNA PRIORITY 4320

C O N F I D E N T I A L SECTION 01 OF 03 STATE 001985

SIPDIS

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TAGS: [PREL](#) [EU](#) [SY](#)

SUBJECT: DEMARCHE: URGING THE EU TO DELAY APPROVAL OF THE
EU-SYRIA ASSOCIATION AGREEMENT

Classified By: EUR Acting DAS Nerissa Cook, Reasons 1.4 (b &d)

11. This is an action request. Please see paragraph 4.

12. (SBU) Summary. Department requests action addresses to urge host governments and EU officials at the highest appropriate levels to withhold approval of the EU-Syrian Association Agreement. The EU and the Syrian government (SARG) initialed an updated Association Agreement December 114. The next step forward for the agreement would be for the Czech EU Presidency to place it on the agenda for a ministerial-level meeting where it could be approved by member states' foreign ministers. Once the EU-Syrian Association Agreement is on the agenda, foreign ministers have several options including: return the text back to EU and Syrian negotiating teams for additional amendments (which they are unlikely to do), approve the Association Agreement as presented, or delay ratification by calling for additional debate on political issues. The Association Agreement could be placed on the agenda for a ministerial meeting as early as January 26-27 (the first monthly EU foreign ministers meeting (GAERC) of the Czech EU Presidency). While several EU countries have intimated that the Association Agreement will not progress quickly, French President Sarkozy visited Damascus January 6, highlighting continued European efforts to engage the Syrian regime despite SARG inaction on public promises.

13. (SBU) We believe that ratifying the Association Agreement will reward the SARG prematurely. A number of Syrian pledges, including sending an Ambassador to Lebanon, and delineating the Lebanon-Syria border have not yet been fulfilled. Additionally, the SARG refuses to fully cooperate with the IAEA investigation into Syria's clandestine nuclear program. The IAEA Director General highlighted in his report to the November 2008 Board of Governors that the SARG had not only failed to cooperate but had also actively hindered the investigation by conducting clean-up activities at three relevant sites immediately after the IAEA requested access to them. The report also described the presence of man-made uranium particles at the key site (Al Kibar), sufficient electrical and water resources for a nuclear reactor, and Syrian procurement efforts that could support the construction and operation of a reactor. Moreover, Syria's support to terrorist groups and their leaders, including Hamas and its politburo chief Khaled Mesha'el continues unabated. End Summary.

14. (SBU) Action request: Department requests action addresses respond by cable with host government reaction no later than January 14. Please note that there is one general set of talking points for all EU posts (including USEU), as well as an additional set of points for Embassy Prague's use with the Czech EU Presidency.

OBJECTIVES

15. (SBU) Department instructs USEU and all embassies in the 27 EU member states to pursue the following objectives:

--Note that the Syrian government's destabilizing actions should not be rewarded by approving the EU-Syria Association Agreement at this time. Recent SARG overtures - including establishing diplomatic relations with Lebanon, promising a Syrian ambassador to Lebanon, and pledging to demarcate the Syrian-Lebanon border - have been largely low-cost, symbolic gestures that have not been fully implemented;

--Emphasize that European engagement with the SARG has already served to reward and embolden the regime. Additional rewards - such as approval of the Association Agreement - serve only to reinforce a message that the SARG does not need to change its unhelpful and destabilizing actions;

--Acknowledge that Syria has participated in indirect negotiations with Israel and that this is an important aspect of comprehensive peace in the region. Note however, that Syria continues to provide support and safe-haven to terrorist groups, including Hamas, and their leadership, including Hamas political chief Khaled Mesha'el;

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--Emphasize that despite Syrian promises to Lebanese President Michel Sleiman in August and French President Sarkozy in September, the SARG did not name an Ambassador to Lebanon by the end of 2008 as promised;

--Highlight Syria's lack of concrete action to delineate the Syria-Lebanon border despite public promises. Instead, Syria continues to allow weapons to flow across the unmarked and poorly secured border to Hizballah. This is in direct contravention of United Nations Security Council (UNSC) resolution 1701, which calls for an arms embargo to Hizballah, and UNSC 1680, which calls on Syria to delineate the border with Lebanon;

--Underscore that Lebanon's spring 2009 parliamentary elections will be a closely fought contest and likely will serve as a watershed for Lebanon, tipping the balance either in favor of the pro-Western March 14 block or the Syrian and Hizballah-aligned March 8 opposition group. Increased engagement with Syria during this delicate domestic political period in Lebanon will serve to weaken the message of Lebanon's moderates and the supporters of a sovereign, democratic, independent and stable Lebanon. Moreover, despite Syria's withdrawal from Lebanon in 2005, its interference in Lebanon's internal affairs, and support to Hizballah, a designated terrorist organization, continue unabated;

--Note that the Association Agreement includes a non-proliferation component stating that both the EU and the SARG agree to coordinate and counter the proliferation of weapons of mass destruction and non-conventional weapons through full compliance with existing obligations under international and non-proliferation treaties and agreements and other relevant international obligations. This includes Syria's safeguards agreement with the IAEA. However, the IAEA Director General, in his report to the November 2008 Board of Governors, highlighted the SARG's refusal to cooperate with the investigation into Syria's clandestine nuclear activities. The Director General has called on Syria to provide the necessary transparency, including allowing visits to the requested locations and access to all available information, for the Agency to complete its assessment. It is difficult to see how the SARG could implement the non-proliferation component of an association agreement with the EU while it is in defiance of its non-proliferation obligations to the IAEA;

--Emphasize that Syria's refusal to answer the questions raised by the IAEA's investigation is all the more alarming as the reactor under construction at Al-Kibar - being isolated from any civilian population or electricity grid and ill configured for research - was apparently not intended for peaceful purposes;

--Emphasize that approving the Association Agreement without improved Syrian behavior or demonstrated SARG commitment to public pledges only serves to reinforce Syria's belief that its destabilizing behaviors are tolerated by the international community;

--Urge EU member states to delay approval of the Association Agreement until Syria fully cooperates with the IAEA investigation, follows through on public promises in the other areas described above, and demonstrates a commitment to regional stability and security;

--Note that the USG would be willing to send subject matter experts to capitals to brief on these issues in more detail.

¶6. (SBU) Additional point for Embassy Prague only:

--For all of the above reasons, we ask the Czech EU Presidency not to place the EU-Syria Association Agreement on the agenda for approval at any meeting until such time as Syria fully cooperates with the IAEA investigation and demonstrates a real commitment to regional stability and security via concrete actions rather than vague promises.

REPORTING DEADLINE

¶7. (SBU) Embassies should report by cable to NEA/ELA Syria Desk Officer Allison Monz and EUR/ERA Political Officer Jeff Giaque by January 15. Please contact Allison Monz (NEA/ELA)

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at (202) 647-1131 or via e-mail at monzam@state.gov for further background information or argumentation to meet our objectives.

BACKGROUND

¶8. (C) European Commission Deputy Director General for External Relations Hugues Mingarelli initialed the updated Association Agreement in Damascus on December 14, following a series of meetings and negotiations in Brussels. The updated text addresses recent developments, including the accession of new EU members and modifications to Syria's customs tariffs that have occurred since the Association Agreement was originally initialed in October 2004. The EU halted any further action on the Association Agreement in response to the assassination of former Lebanese Prime Minister Rafiq Hariri on February 14, 2005 and the presumption that Syria - through its military presence in Lebanon and interference in Lebanon's internal affairs - was responsible.

¶9. (C) According to an EU diplomat in Damascus, now that the Association Agreement has been updated, it can be placed on the agenda for a ministerial meeting where member states' foreign ministers can choose of one of three options: demand specific amendments to the text and send it back to the negotiators; vote to sign the Agreement as negotiated; stall the Agreement by calling for "political debate" over issues such as human rights and Syria's non-cooperation with the IAEA's investigation into its clandestine nuclear program. The EU diplomat in Damascus assessed that the foreign ministers would most likely vote to sign the Agreement as

negotiated. The Association Agreement could theoretically be on the EU agenda as early as the first monthly foreign ministers meeting (GAERC) of the Czech EU Presidency on January 26-27.

¶10. (SBU) Syria's destabilizing actions and unhelpful behaviors extend beyond continued efforts to undermine Lebanon's sovereignty, facilitate Hizballah's rearmament, and hinder the IAEA investigation. Syria supports Palestinian rejectionist groups including Hamas, Palestinian Islamic Jihad (PIJ) and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), which actively seek to undermine Palestinian Authority-Israeli peace negotiations. Ongoing events in Gaza highlight the precarious regional security situation. Damascus continues to host and support Hamas political leader Khaled Mesha'el who called for a third intifada in a December 27 interview with al-Jazeera. Additionally, the SARG allows Palestinian terrorist training camps to operate inside Lebanon along the Syrian border.

¶11. (SBU) Syria harbors foreign fighter networks that send fighters into Iraq for the purpose of killing U.S. and Iraqi forces, as well as civilians. Finally, the SARG continues to harass, detain and imprison human rights advocates and political reformers. Syrian courts recently sentenced 12 members of the Damascus Declaration National Council (DDNC), a group advocating peaceful reform and human rights, to two and a half years in jail. This includes DDNC chairperson Riad Seif, a former parliamentarian, who suffers from prostate cancer, and widely respected intellectual Michel Kilo, whose petition for early release after having served 2/3 of his jail sentence was recently denied.
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